

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HIRTLE CALLAGHAN HOLDINGS,	:	
ET AL.,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 18-2322
CURT R. THOMPSON, ET AL.	:	

ORDER

AND NOW, this 30th day of September 2020, upon consideration of Plaintiffs' Motion to Dismiss Defendant Curt R. Thompson's Counterclaims (ECF No. 6), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part**, as follows:

1. Plaintiffs' Motion is **DENIED** as to Counterclaim 2 (promissory estoppel); Counterclaim 6 (Arizona wage laws claim); and Counterclaim 7 (declaratory relief).
2. Plaintiffs' Motion is **DENIED** as to Counterclaim 3 (breach of fiduciary duty) against Plaintiff Hirtle Callaghan Holdings, Inc. The Motion is **GRANTED** as to Counterclaim 3 against Plaintiff Hirtle, Callaghan & Co., LLC. Counterclaim 3 is **DISMISSED** against Plaintiff Hirtle, Callaghan & Co., LLC.
3. Plaintiff's Motion is **GRANTED** as to Counterclaim 1 (breach of contract); Counterclaim 4 (violation of Pennsylvania WPCL); and Counterclaim 5 (violation of Delaware WPCA). Counterclaims 1, 4, and 5 are **DISMISSED without**

prejudice. Mr. Thompson has fourteen (14) days from the date of this Order to file amended Counterclaims 1, 4, and 5.

IT IS SO ORDERED.

BY THE COURT:

/s/ *R. Barclay Surrick*
R. BARCLAY SURRICK, J.